
Before The Federal Energy Regulatory Commission

**OROVILLE FACILITIES
FERC PROJECT NO. 2100**



**RESPONSES TO DEFICIENCIES, CLARIFICATIONS,
ADDITIONAL INFORMATION REQUESTS, AND REVISIONS
TO JANUARY 2005 LICENSE APPLICATION**

**BINDER # 1
PUBLIC INFORMATION**



**State of California
The Resources Agency
Department of Water Resources**

August 2005

DEPARTMENT OF WATER RESOURCES

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August 12, 2005

Ms. Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Re: Responses to Deficiencies, Clarifications, Additional Information Requests and Revisions to January 2005 License Application for the Oroville Facilities (FERC Project No. 2100)

Dear Secretary Salas:

In accordance with your letter request of May 17, 2005 (attached to this letter) and a subsequent request made by Federal Energy Regulatory Commission (Commission or FERC) staff during the site tour and public meeting held at the Oroville Facilities on June 29th and 30th, the Department of Water Resources (DWR) hereby submits its response to deficiencies, clarifications and additional information requests with regard to its Application for New License (Application) for the Oroville Facilities, FERC Project No. 2100, filed with the Commission on January 26, 2005. As part of this response, DWR also is submitting several updates to selected exhibits of its Application.

Pursuant to 18 CFR §388.112, this submittal is filed as follows:

1. **Binder #1.** This volume consists of the public version of the submittal with non-internet public information (NIPI) and privileged and confidential information removed. An original and eight (8) copies of this volume are submitted. See 18 CFR §388.112(b)(2)(i).
2. **Binder #2.** This volume contains the NIPI that has been removed from the public version of the submittal. In accordance with the Commission's regulations, this volume, as well as the information contained therein, has been marked "Non-Internet Public Information." See 18 CFR §388.112(b). DWR has identified the information in this volume as NIPI, as it consists of maps, drawings and other information that, while depicting the location of critical energy infrastructure, does "not rise to the level of CEII." 18 CFR §388.112(a)(3). Because such information depicts project facilities, structures, boundaries and other project-specific information, moreover, it cannot be considered "stylized non-system location maps," which the Commission recently excluded from NIPI treatment. See Order 662, Critical Energy Infrastructure Information, III FERC

Stats. Regs., Regs. Preambles ¶ 31,189, at P 9 (2005). An original and eight (8) copies of this volume are submitted. See 18 CFR §388.112(b)(2)(i).

3. **Binder #3.** This volume contains the privileged and confidential information that has been removed from the public version of the submittal. In accordance with the Commission's regulations, this volume, as well as the information contained therein, has been marked "Contains Privileged and Confidential Information—Do Not Release." See 18 CFR §388.112(b). DWR respectfully requests that this information be accorded privileged treatment, as it consists of sensitive species locational information, as well as sales and other proprietary financial information. DWR believes that this information is exempt from public disclosure and should be afforded privileged and confidential treatment. See 5 USC §552; 18 CFR §388.107. Thus, the Commission should withhold all such privileged and confidential information from public disclosure. See 18 CFR §388.112(b)(1). An original only of this volume is submitted. See *id.* §388.112(b)(2)(iii).

This submittal is organized as follows:

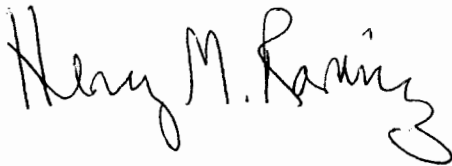
1. **Responses to Schedule A – Deficiencies.** DWR hereby submits information required to address deficiencies identified in Schedule A of FERC's letter dated May 17, 2005. Schedule A of your letter listed five items that Commission staff believe are necessary for compliance with the requirements of 18 CFR §4.32 and §4.51. The information provided in **Attachment 1 of Binder #1** addresses the questions raised in Schedule A and conforms the Application to the requirements set forth in 18 CFR §4.32 and §4.51.
2. **Responses to Schedule A – Clarifications.** DWR's responses to FERC's clarifications listed in Schedule A of the May 17, 2005 letter are provided in **Attachment 2 of Binder #1**.
3. **Responses to Schedule B – Additional Information Requests.** DWR's responses to FERC's Additional Information Requests (AIRs) listed in Schedule B of your May 17, 2005 letter are provided in **Attachment 3 of Binder #1**.
4. **Responses to Questions Raised by FERC during Oroville Facilities Site Tour.** On June 29 and 30, 2005, DWR hosted an informational Oroville Facilities site tour for FERC staff, its consultants and the public. During this site tour, FERC staff requested additional information from DWR, which has been included as **Attachment 4 of Binder #1** to this submittal.

Ms. Magalie R. Salas, Secretary
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5. **DWR Revisions to Application.** Correction of deficiencies and preparation of supplemental materials to respond to FERC's clarifications and AIRs resulted in a need to update selected exhibits that were part of our Application. Your May 17th letter indicated that we are able to submit revisions at this time. Therefore, we have included revisions to Exhibits D and H (Volume I) and to Chapters 6 and 7 of the Preliminary Draft Environmental Assessment (Volume III) in order to update the economic analyses contained in those portions of the Application consistent with the information included in this submittal. Those revised exhibits are provided in **Attachment 5 of Binder #1**.

I can be reached at (916) 657-4963 or ramirez@water.ca.gov if there are any questions regarding this package.

Sincerely,



Henry "Rick" Ramirez, Program Manager
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Enclosure

cc: Mr. James Fargo
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DWR ALP Distribution List

FERC P2100 Service List

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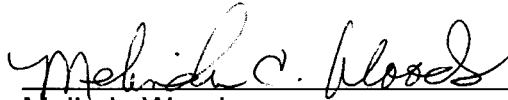
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Certificate of Service

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Sacramento, California, this 15th day of August, 2005.

A handwritten signature in cursive script, reading "Melinda C. Woods", is written over a horizontal line.

Melinda Woods
1416 Ninth Street, Room 1601
(916) 653-6700

FEDERAL ENERGY REGULATORY COMMISSION

Washington, DC 20426

May 17, 2005

OFFICE OF ENERGY PROJECTS

Project No. 2100-134-California
California Department of Water
Resources

Henry M. "Rick" Ramirez, Program Manager
Oroville Facilities Relicensing Program
California Department of Water Resources
1416 9th Street
Sacramento, CA 95814

Reference: Deficiency of Application with Additional Information Request

Dear Mr. Ramirez:

Your license application, filed on January 26, 2005, fails to conform to the requirements of the Commission's regulations. A list of deficiencies is enclosed as Schedule A. In addition, after the listing of the deficiencies, we list several aspects of your application that we need you to clarify. Please correct these deficiencies and respond to these clarifications within 90 days of the date of this letter.

From our initial review, we also find that we need additional information on your project. A list of the additional information is enclosed as Schedule B. Please file this information by within 90 days of the date of this letter.

If the correction of any deficiency causes any other part of your application to be inaccurate, that part must also be revised and refiled by the due date. Also, please be aware that further requests for additional information may be sent to you at any time before final action on your application.

Within five (5) days of receipt, you should provide a copy of this letter and the enclosed Schedules A and B to all agencies that we ask you to consult. Then, when you complete your response, make a written request to the agencies for comment. When you file the requested information with the Commission, you must provide a complete copy of the information to each agency consulted under Section 4.38 of the regulations, and all parties on the service list.

Please file an original and eight copies of the information requested with the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426. Please put the docket number, P-2100-052, on the first page of your response.

If you wish to discuss any of the items contained in the Schedule B, please contact Jim Fargo within 5 days at (202) 502-6095.

Sincerely,

Timothy J. Welch
Chief
Hydro West Branch 2

Enclosure: Schedules A and B

cc: Service List
Public Files

SCHEDULE A

Following is a list of deficiencies that we have identified after review of the license application for the Oroville Project (FERC No. 2100). In addition, after the listing of deficiencies, we list several clarifications that we seek regarding certain aspects of your license application. Please correct these deficiencies and respond to these clarifications within 90 days of the date of this letter. We also request additional information necessary on certain other aspects of your license application. Please respond to our requests for additional information within 90 days of the date of this letter unless otherwise noted.

Deficiencies

(1) We did not find proof of publication of the notice of the filing of the final license application in local newspapers. 18 CFR §4.32(b)(6) requires that you publish notice twice of the filing of the application not later than 14 days after the filing date, in a daily or weekly newspaper of general circulation in each county in which the project is located. Please provide proof of publication or tell us where in the application this documentation can be found.

(2) In Volume 1, Section 2.0 of Exhibit B of your license application, you describe project operations under various hydrologic conditions. However, you did not describe whether the plant was automatic, manual or some combination thereof, nor did you summarize plant factors for each powerhouse as 18 CFR § 4.51(c)(1) requires.

(3) In your license application, you do not provide an estimate of the dependable capacity. 18 CFR §4.51 (c) requires that you provide estimates of dependable capacity for both the proposed action and current conditions. You should also provide the critical period associated with the dependable capacity calculation and describe how the dependable capacity was computed.

(4) In Volume 1, Section 3 of Exhibit B, you say the tailwater of the Thermalito Diversion Dam powerplant is fixed by the elevation of the Fish Barrier Dam; however Exhibit B does not give that elevation. Also, we would expect the tailwater created by the Fish Barrier Dam to vary with the flow over the crest of the dam. For the Hyatt Pumping-Generating Plant, you explain that the tailwater is independent of flow up to 16,900 cfs (controlled maximum flow from the Thermalito Diversion Dam powerhouse); however, at flows higher than 16,900 cfs, we would expect the Thermalito Diversion Dam to surcharge. 18 CFR §4.51 (c) requires that you provide tailwater rating curves for the project. Therefore, please provide a tailwater rating curve for the Thermalito Diversion Dam

powerplant and at the Hyatt Pumping-Generating plant over the full range of outflows.

(5) 18CFR §4.51 (c) requires curves showing powerplant capability versus head and requires you to specify maximum, normal and minimum head. In Volume 1, Section 3 of Exhibit B, you provide a table showing the capacity at maximum, normal, and minimum head; however no curves were provided to show how the powerplant capability varies with head. Therefore, please provide such curves for each of the three power plants.

Clarifications

(1) In section 6 of your applicant prepared preliminary draft EA, you include detailed information of proposed environmental measures for the proposed action and alternative 2. It is not clear from your description whether the annual O&M costs you show have been annualized over thirty years or represent the annual cost in the first year of the new measure. Please clarify which is the case.

(2) In Exhibit D, table D.4.5-1, you show the annual costs of the existing Oroville facilities. For us to better understand how you calculated these amounts, please provide the interest rates you used and the details of your calculations.

(3) In Table 6.4-1 of your preliminary draft EA, you show the value of the project's power in terms of gross energy generation. For us to better understand how you value the project's power, please provide both on-peak and off-peak energy generation and the corresponding energy values you use to calculate the project's gross energy generation value.

(4) Although you provided figures B.2.1-2 and B.2.1-4 showing the fluctuations in Oroville Lake and Thermalito Afterbay, because the lines appear light in the graphs the figures are difficult to read. For us to better understand the nature and extent of fluctuations, please provide the EXCEL version of the figures including the supporting data points and clarify whether the daily values are average daily or end of day values

(5) We have reviewed your study report SP-L4 titled "Aesthetics - Final Report, Aesthetics/Visual Resources (July 2004) and find that there are placeholders for most of the figures (1.2-1, 4.1-1, 5.2-2, etc). There are separate files on the website for some but not all of the figures that should be in SP-L4. Please provide hard copies of the figures.

(6) On page 4-9 in Section 4.1.3 of the applicant prepared PDEA, you state that comment letters received on the draft license application and applicant prepared EA can be viewed on the relicensing website, <http://orovillerelicensing.water.ca.gov>. We were unable, however, to locate the comment letters on the website. So that we may complete our analysis of the proposed action, please provide us with all comments letters received on the draft license application and applicant prepared PDEA.

SCHEDULE B

Additional Information Requests

(1) In your Section 1.4 of Exhibit H, titled *Coordination with Area Electrical Systems*, you say that the existing power supply contracts expire December 31, 2004. To enable us to accurately describe your need for power, please update this section with information on the portfolio of generation resources starting January 1, 2005.

(2) In Section 6.1.2.2 of your applicant prepared preliminary draft EA, you state that ancillary service benefits were added to arrive at a total annual net benefit for each alternative. However, you did not describe which ancillary benefits were included and the economic benefits associated with each. Therefore, for us to determine how you calculated the project's power benefits, please provide a more thorough breakdown of how the capacity value and each ancillary service value were developed.

(3) In Volume 1, Exhibit D of your license application, you provide O&M costs as one lump sum amount instead of itemizing them. For us to understand the existing O&M costs of the project and the projected O&M with your proposed environmental measures, we need you to provide each of the following costs:

1. Plant operations O&M
2. Administration and general expenses excluding insurance
3. Insurance
4. Current environmental measure O&M
5. Projected interim replacement costs over the next 30 years, including separate O&M and capital costs. (Please briefly describe each cost.)
6. Station service amount and cost

(4) In your license application, you describe the 1969 agreement between DWR and the Joint Water District Control Board to supply water to agricultural users. For us to better understand the terms of the agreement and how it affects the operation of your project, please provide us with a copy.

(5) Page 1-1 of your Fiscal Impacts report (R-19) indicates that “an electronic version of the spreadsheet model will be available once the study report process is completed.” For us to fully understand your model assumptions and determine its validity, we need to review the spreadsheet model and sensitivity analysis. Therefore, please provide electronic copies of the economic-fiscal model and sensitivity analysis referred to in the report. In responding to this request, please include all of the specific input used to calculate the costs and revenues reported in R-19, so that we can complete our analysis of the model results.